

REMARKS

In response to the Office Action mailed December 1, 2008, the Examiner's claim rejections have been considered. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejections – 35 U.S.C. § 103(a) - Claims 1, 10-11, 17, 20, 29, 33, 39, 41, 46 and 48-56

The Examiner rejected claims 1, 10-11, 17, 20, 29, 33, 39, 41, 46 and 48-56 under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 6,113,492) and Walker et al. (U.S. Patent No. 6,068,552) and Wilms (U.S. 5,277,424).

Applicants respectfully traverse this rejection. For the sake of brevity, the rejections of the independent claims 1, 20, 33 and 41 are discussed in detail on the understanding that the dependent claims are also patentably distinct over the cited art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

Applicants respectfully submit that none of the references cited by the Examiner disclose or suggest "converting the funds received from the player into credits, wherein each credit has a value less than a smallest denomination for standard currency." Contrary to the Examiner's assertions, Walker '492 does not disclose or suggest that the wager value can be changed to, for example, a value less than a U.S. penny. Further, Applicants respectfully submit that there is no teaching, suggestion or motivation found in the references or within the knowledge of a person of ordinary skill in the art that the "credits" (wager value) have a value less than one cent. As discussed below in more detail, the pending claims are patentable over the cited references.

The claimed invention allows a player to convert the player's funds into credits that have a value less than a penny. (See, e.g., page 10, lines 5-7 which disclose one example where the credit value is \$0.0007). As a result, by way of example, and by way of limitation, the player is able to place bets for $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$, or $\frac{1}{10}$ th of a penny. This is a unique strategy that allows a player to increase his odds of winning (by betting more lines) while minimizing the player's risk

since the player does not have to place too much money at stake (e.g., fractions of a penny). For example, with a credit value set at 1/10th of a penny, the player can bet 10 lines using a single penny. In prior art devices, the player would be required to wager 10 cents (i.e., one penny per line) in order to wager the same 10 lines. According to the claimed invention, the player increases the odds of winning since the player is playing all 10 lines, but the player has not increased his risk since he is only placing a wager having a total value of a penny rather than 10 cents.

Applicants respectfully submit that the cited references are directed to games that only allow wagering based upon standard currency denominations or multiples thereof. The Examiner states in the current Office action that “Walker [‘492] does not specifically teach the wager value to be smaller than a smallest denomination for standard currency. ... [h]owever Walker does teach the use of fractional coins to be wagered during a game.” For support, the Examiner on page 3 of the Office action quotes Walker ‘492 as stating “the amount of coins wagered per play (ie: a credit) could be any number of coins as specified by the casino operator ... the present invention may also be practiced using fractional coin values.” However, the portion of this quote that was removed by the Examiner makes it clear that the fractional coin values may be payouts shown on the reverse payout table 146c, and Walker ‘492 is not referring to the amount wagered. The full quote from Walker ‘492 taken from col. 9, 59-67 is reproduced below:

It should be noted that the amount of coins wagered per play could be any number of coins as specified by the casino operator.

Although reverse payout table 146c is described using whole coins, the present invention may be practiced using fractional coin values.

Thus, for a wager of one coin, a payout may total only one sixth of a coin. These fractional amounts may be accumulated in RAM 118 and paid out when a whole coin is reached.

Therefore, Applicants respectfully submit that Walker ‘492 does not disclose or suggest wagering fractions of coin values, and Walker ‘492 does not disclose or suggest wagering amounts that are less than the smallest denomination for standard currency. Also, Walker ‘552 does not cure the deficiencies of Walker ‘492. In Walker ‘552, the wager amount of a wager can

be modified by the player, but as the Examiner states on page 4 of the Office action, both Walker references are silent with respect to teaching a system wherein the standard currency denomination is a coin selected from a group not consisting of \$0.01, \$0.05, \$0.10, \$0.25 and \$1.00.

Wilms also does not disclose wagering fractions of coin values as recited in the current claims. Instead, Wilms states that “when the number of credits available to the player...drops below a single unit value of denomination being played, the player must terminate the game and cash out or select a lowering wagering denomination.” See Col. 7, lines 59-64. Applicants respectfully submit that the player is only able to select from standard denominations (e.g., \$0.05, \$0.10, \$0.25, \$0.50, or \$1.00) as shown in FIG. 1 of Wilms. Wilms does not disclose, teach or suggest that the player can select a fraction of the smallest denomination for standard currency (e.g., a fraction of a penny) as a wager.

On pages 4 through 6 of the Office action, the Examiner argues that it is old and well known in the art that any amount of currency may be wagered by a player for a game, and that Applicants only unite old elements with no change in the respective functions of those old elements. Applicants respectfully disagree with the Examiner’s arguments. It is not old or well known to use fractions of a penny as the wager amount. The Examiner has not cited any reference in which the wager amount can be changed by a player to be less than a penny. Furthermore, even Congello Jr. (referred to by the Examiner on page 4 of the Office action) only discloses that a wager is made using standard currency denominations or multiples thereof. Congello Jr. teaches that a player may use any leftover change and purchase a fractional denomination lottery ticket as shown in FIG. 1. As shown in FIG. 1 of Congello, the ticket is for \$0.80, which is a still multiple of the lowest standard denomination (i.e., a penny). If the Examiner does not withdraw the current rejection of the claims, Applicants respectfully request that the Examiner provide some documentary evidence in the next Office action that it is well-known in the art to use fractions of a penny as a wager amount. See MPEP 2144.03.

Furthermore, there is no teaching, suggestion or motivation found within the references themselves or within the knowledge of a person of ordinary skill in the art that the wager value in Walker ‘492 can be modified to have a value less than one cent. Since the *KSR* decision issued, the Federal circuit has cited its own precedent that some motivation for modifying the prior art

must still be found to conclude that the subject matter was obvious. *Takeda Chem. Indus. v. Alphapharm Pty. Ltd.*, 492 F.3d 1350 (Fed. Cir. 2007). There is no teaching, suggestion or motivation found in any reference cited by the Examiner that a player can adjust the wager value to be less than a penny. Therefore, the current invention as claimed would not have been obvious to one of ordinary skill in the art at the time of the current invention using any combination of Walker '492, Walker '552 and Wilms.

For all of these reasons, Applicants respectfully submit that the 35 U.S.C. §103(a) rejection of claims 1, 10-11, 17, 20, 29, 33, 39, 41, 46 and 48-56 have been overcome because none of the references cited by the examiner disclose all the limitations of the claims. Specifically, none of the reference discloses or suggests that credits used to place wagers by the player can have a value less than the smallest denomination of standard currency.

2. Claim Rejections – 35 U.S.C. § 103(a) - Claims 15-16, 23-24, 36 and 43

The Examiner rejected claims 15-16, 23-24, 36 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Walker '492 and Walker '552 as applied to claims above, and further in view of Skratulia (U.S. Patent No. 5,690,335).

Applicants note that claims 15-16, 23-24, 36 and 43 are dependent claims that depend from independent claims 1, 20, 33 and 41, respectively. In light of the arguments submitted in Section 1 of this response, Applicants respectfully submit that dependent claims 15-16, 23-24, 36 and 43 are not obvious in view of the combination of Walker '492, Walker '552, and Skratulia because these references, alone or in combination, fail to teach or suggest all the claimed limitations. Moreover, these dependent claims further recite and define the claimed invention, and thus, are independently patentable. In conclusion, Applicants respectfully submit that the 35 U.S.C. §103(a) rejection of claims 15-16, 23-24, 36 and 43 have been overcome.

CONCLUSION

Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of claims 1, 10, 11, 15-17, 20, 23, 24, 29, 33, 36, 39, 41, 43, 46 and 48-56 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

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